

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TERRY D. DIXON,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No: 3:13-cv-00248-RJC-CSD

**ORDER ON UNOPPOSED MOTION  
FOR ENLARGEMENT OF TIME TO  
FILE ANSWER TO REMAINING  
CLAIMS (ECF NO. 61)**

**(FIRST REQUEST)**

Respondents move this Court for an enlargement of time of sixty (60) days from the current due date of November 7, 2022, up to and including January 6, 2023, in which to file their answer to the remaining claims of Terry D. Dixon's Second Amended Petition for Writ of Habeas Corpus (ECF No. 61). This Motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to file the answer to remaining claims of Dixon's Second Amended Petition, and the request is brought in good faith and not for the purpose of delay.

DATED: November 7, 2022.

Submitted by:

AARON D. FORD  
Attorney General

By: /s/ Erica Berrett  
Erica Berrett (Bar. No. 13826)  
Senior Deputy Attorney General

**DECLARATION OF ERICA BERRETT**

I, ERICA BERRETT, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Terry D. Dixon v. Renee Baker, et al.*, Case No. 3:13-cv-00248-RJC-CSD, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The deadline to file the answer to remaining claims of the Second Amended Petition (ECF No. 61) is November 7, 2022.

4. I have been unable with due diligence to timely complete the answer.

5. The Nevada Attorney General's Post-Conviction Division is currently short-staffed since the departure of former Senior Deputy Attorney General Charles Finlayson. Moreover, our Chief Deputy Attorney General, Heather Procter, is currently on a nearly three-week leave. As one of few Senior Deputy Attorneys General remaining in the division, I am tasked with assuming many of Chief Deputy Procter's administrative responsibilities during her absence, as well as having assumed some of former Senior Deputy Finlayson's administrative responsibilities, in addition to managing my own typical administrative responsibilities and full caseload.

6. Since this Court entered its order granting Respondents' motion to dismiss in part and ordering the answer to remaining claims, in addition to my heavy administrative responsibilities in recent weeks, my time was occupied with other federal habeas cases, including filing a motion to dismiss in capital habeas matter *Powell v. Reubart, et al.*, 2:06-cv-01264-KJD-DJA; continuing to work on an answer in *Byford v. Reubart*, 3:11-cv-00112-JCM-CSD; and continuing to work on an amended answer in *Guy v. Gittere*, 2:11-cv-01809-APG-NJK, among other smaller federal habeas tasks.

7. I contacted Petitioner's counsel regarding this request, and she does not oppose the enlargement of time.

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1           8.       Based on the foregoing, I respectfully request an enlargement of time of sixty (60) days,  
2 up to and including January 6, 2023, in which to file the answer to remaining claims of the Second  
3 Amended Petition (ECF No. 61).

4           Executed on November 7, 2022.

5                               /s/ Erica Berrett  
6 Erica Berrett (Bar No. 13826)

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9                               IT IS SO ORDERED:

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11                              UNITED STATES DISTRICT JUDGE

12                              DATED:               November 28, 2022  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Answer to Remaining Claims (ECF No. 61) (First Request)* by using the CM/ECF system on the 7<sup>th</sup> day of November, 2022.

The following participants in this case are registered electronic filing system users and will be served electronically:

Shelly Richter  
Federal Public Defender  
411 E. Bonneville Avenue, Suite 250  
Las Vegas, Nevada 89101

/s/ C. Martinez  
An employee of the Office of the Attorney General